

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
CIVIL ACTION - LAW**

JOSEPH R. REISINGER,

Plaintiff,

v.

**THE CITY OF WILKES-BARRE,
THE CADLE COMPANY, ET AL**

Defendants.

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No. 3:09-CV-210

**ANSWER OF DEFENDANTS MICHAEL KERMEC
AND THE CADLE COMPANY II, INC. TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME**

Defendants, Michael Kermec and The Cadle Company II, Inc., respectfully object to Plaintiff's Motion for Extension of Time, on the following grounds:

(i) The Motion and proposed Order do not call for a corresponding extension of the deadlines for Defendants' expert reports (there is no reason stated in the Motion as to why Plaintiff's expert deadline should be extended), which is only fair and reasonable considering that Defendants' counsel should be permitted the opportunity to complete fact discovery before expiration of their expert witness deadline; more specifically, Defendants' expert deadline should be extended from March 31, 2010, to May 31, 2010; and

(ii) The Order entered should make it clear that the extension should be limited to taking the depositions which had been properly scheduled and noticed for this week (meaning Joseph Reisinger, who was supposed to be deposed on Tuesday,

January 26, 2010, and Dawn McQuaide, Ken Luck, John Popovich, Rose Ann Lesh and Dan Weber, all of whom were supposed to be deposed on Thursday, January 28, 2010), plus any depositions sought to be taking by Defendants' counsel as a result of information obtained during these particular witnesses' depositions, and the extension should not apply to Plaintiff conducting any discovery, particularly since nothing had been scheduled by Plaintiff to take place prior to the expiration of the January 30, 2010, fact-discovery deadline, and the only reason for the extension now being sought is that Defendants' counsel have not been able to take the depositions of Plaintiff and his witnesses scheduled for this week.

Counsel for the Cadle Defendants understands and respects the level of discretion afforded the Court in granting extension requests of this type, particularly when medical reasons are alleged, but nonetheless wishes to bring to the Court's attention the points described in these Objections.

Respectfully submitted,

LAW OFFICES OF KEVIN T. FOGERTY

By 

Kevin T. Fogerty, Esquire
Attorneys for Defendants, Michael Kermec
and The Cadle Company II, Inc.